

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

**JAMES A. MC CLURE FEDERAL BUILDING & U.S. COURTHOUSE
550 W FORT ST
BOISE ID 83724**

**Cameron S Burke
Court Executive/Clerk**

ANNOUNCEMENT TO ATTORNEYS AND THE PUBLIC

**LOCAL RULES OF BANKRUPTCY PRACTICE
BEFORE THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF IDAHO**

Revised and adopted January 1, 2008⁹

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**Clerk, U.S. Bankruptcy Court
550 W Fort St
Boise, ID 83724**

We welcome your comments and suggestions. Please e-mail them to: [**Bankruptcy Local Rules Committee \(mailto:id_webadmin@id.uscourts.gov\)**](mailto:Bankruptcy Local Rules Committee (mailto:id_webadmin@id.uscourts.gov))

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO**

LOCAL RULES

**LOCAL BANKRUPTCY RULES OF PROCEDURE
FOR THE
UNITED STATES BANKRUPTCY COURT
IN THE DISTRICT OF IDAHO**

Effective Date: January 1, 2008⁹

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LOCAL BANKRUPTCY RULE 1007. 4 PAYMENT ADVICES

(a) Filing of payment advices

Except where the court orders otherwise for good cause shown, debtors shall file payment advices as required by § 521(a)(1)(B)(iv) with the court, and shall simultaneously serve a complete and unredacted copy thereof on the trustee appointed in that debtor's case. The payment advices filed with the court shall be maintained as sealed documents absent order of the court to the contrary for cause shown.

(b) Statement that no payment advices available

Where debtors did not receive payment advices within the time period set forth in § 521(a)(1)(B)(iv), they shall file a statement to that effect. The statement shall also provide the reason why no payment advices were received. Debtors shall simultaneously serve a complete and unredacted copy of that statement on the trustee appointed in that debtor's case.

Related Authority:

11 U.S.C. § 521(a)(1)(B)(iv)
~~Interim~~ Fed. R. Bankr. P. 1007(b)(1)(E)

Advisory Committee Notes:

Payment advices are filed with the court pursuant to the Code but maintained as sealed documents, limiting parties' access to this information. It is critical that the case trustees promptly receive this information **from debtors** in order to perform their jobs, but present ECF functionality does not allow for selective access to sealed materials. Therefore, this Rule places the burden on debtors to promptly serve the trustee with copies of the payment advices filed with the court or a copy of the statement that no payment advices were received.

LOCAL BANKRUPTCY RULE 1007.5 STATEMENT OF DOMESTIC SUPPORT OBLIGATIONS

In Chapter 7, 11, 12 and 13 bankruptcy cases and within the time provided by Fed. R. Bankr. P. 1007(c), the individual Debtor and any joint debtor shall file with the court a separate “Statement of Domestic Support Obligation”. All current and past due Domestic Support Obligations as defined by 11 U.S.C. § 101(14A) shall be reported on said statement. If a domestic support obligation is owed, the statement shall include: (1) the name, address; and phone number, last known name of the employer and address of employer of the debtor and joint debtor and any person responsible with the debtor for the support; (2) the name, address and phone number of the holder of such claim of support; (3) the amount of the support obligation; (4) the term of the support obligation; (5) the amount that the debtor is in arrears as of the filing of the bankruptcy petition, if any; (6) the identity of the court action where an order, judgment or decree establishing said Domestic Support Obligation was entered; and (7) the name, and address and phone number of any State child support enforcement agency involved with such claim.

Related Authority:

11 U.S.C. §§ 101(14A), 521(a)(3), 704(a)(10) & (c), 1106(a)(1), (a)(8) & (c),
1202(b)(6) & (c), 1302(b)(6) & (d),
Fed. R. Bankr. P. 1007

Advisory Committee Notes:

The Advisory Committee has promulgated a standard form statement for the debtor and a separate form for the joint debtor that can be found on the court website at: www.id.uscourts.gov.

LOCAL BANKRUPTCY RULE 2002.2
NOTICE AND HEARING

(a) **Applicability.**

All contested matters under Fed. R. Bankr. P. 9014, all motions under Fed. R. Bankr. P. 9013, and all other matters requiring or with provision for a hearing under the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, shall be subject to the following requirements and conditions, in addition to other and further requirements as may be imposed by rule or applicable law.

(b) **Notice.**

- (1) By whom given. Except for notices specified in Fed. R. Bankr. P. 2002(a)(1), (a)(7), (b)(2) chapter 13 only, (e) and (f), all notices shall be given by the party requesting an order or other relief.
- (2) To whom given.
 - (A) "Notice," as used in this rule shall mean notice by mail or electronic means to all creditors, equity security holders, trustees and indenture trustees, the debtor, the chairman of any committee appointed in the case, U.S. Trustee and any other parties in interest. A different method or less inclusive notice may be given only if allowed by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, or if authorized by a judge.
 - (B) The addresses of notices shall be in accordance with Fed. R. Bankr. P. 2002(g) and 11 U.S.C. § 342.
 - (i) A Master Mailing List of names and addresses, as filed with the court, and updated in accordance with Rule 2002(g), and 11 U.S.C. § 342 may be downloaded from PACER which can be accessed from the court's website at www.id.uscourts.gov.
 - (ii) Required notice to all creditors is presumed to be appropriate if sent to all entries on the Master Mailing List, which has been provided by the clerk.
 - (iii) Notices sent by the clerk, BNC, or some other person or entity as the court may direct, pursuant to 11 U.S.C. §§ 341(a), 342(a) and (b), and Fed. R. Bankr. P. 2002, that are determined undeliverable will be forwarded to the debtor's attorney (or debtor if *pro se*). Any notice, other than a § 341(a) meeting of creditors, or a copy of the final order of discharge, which is returned to the court, shall be destroyed after processing.
- (3) Proof of Service. After giving notice, the moving party shall file within five (5) days of the notice, an affidavit of mailing with a list of the persons and their addresses to

whom the notice was sent. If notice to all creditors is required, the affidavit of service must certify mailing (or other services) on all parties included on the Master Mailing List described in subdivision (b)(2)(B) of this rule.

(c) **Objection.**

If the notice provides for the filing of an objection, a party objecting to an act or the entry of an order shall file with the clerk and serve on the moving party, a written objection within the time set forth in the notice. The objection shall state, with specificity, the grounds therefor.

(d) **When hearing is not required.**

~~If authorized by the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, or if allowed by the court, an actual hearing may not be required. In all such instances, the moving party shall, in the notice, so advise all parties receiving notice that an order may be entered without hearing. The moving party shall provide not less than fifteen (15) days within which any party in interest may object, unless a different period is required by order of a judge or under applicable Federal Rule of Bankruptcy Procedure, or such period is shortened by order of a judge.~~

A request for an order under Fed. R. Bankr. P. 9013, where only notice and an opportunity for a hearing are required, may proceed with the service of a notice complying with this Local Bankruptcy Rule.

- (1) Form of Notice. The following language must be placed immediately below the caption of the notice:

**Notice of Motion for [name of motion or application]
and Opportunity to Object and for a Hearing**

No Objection. The Court may consider this request for an order without further notice or hearing unless a party in interest files an objection within [____] days of the date of this notice.

If an objection is not filed within the time permitted, the Court may consider that there is no opposition to the granting of the requested relief and may grant the relief without further notice or hearing.

Objection. Any objection shall set out the legal and/or factual basis for the objection. A copy of the objection shall be served on the movant.

Hearing on Objection. The objecting party shall also contact the court's calendar clerk to schedule a hearing on the objection and file a separate notice of hearing.

- (2) Time of Negative Noticing. The minimum number of days under this Local Rule will be 14 days unless another notice period is applicable under the Federal Rules of Bankruptcy Procedure or the Local Bankruptcy Rules.
- (3) Affidavit of No Objection. To obtain the requested order if no objection is filed within the applicable notice period, the movant shall file an *Affidavit of No Objection* and a proposed Order. The affidavit shall contain the Bankruptcy Court docket number for the initial notice sent under subsection (a) of this Rule, any related certificate of service, and a certification that no objection has been received to the requested relief.
- (4) Hearing on Objection. If the objecting party does not schedule a hearing as provided in the notice, the moving party may request the court schedule a hearing.

(e) **Hearing.**

- (1) By moving party. Counsel for the party who desires or is required to set a matter for hearing shall be responsible for contacting the calendar clerk and obtaining a date for such hearing. Unless the calendar clerk provides a hearing date after such contact, the matter will not be scheduled for hearing and will not be heard. Counsel obtaining a hearing date shall be responsible for providing notice to all parties as provided by this rule.
- (2) By objecting party. If a party objects to an act or the entry of an order and the matter is not previously set for hearing, counsel for the objecting party shall be responsible for contacting the calendar clerk and obtaining a hearing date, as provided in subdivision (e)(1) of this rule and notifying the moving party and all other parties as required by this rule.
- (3) Any party requesting a hearing date from the calendar clerk (or in open court) shall file the notice of hearing and related pleadings at least five (5) days prior to the scheduled hearing date. Failure to do so may result in the hearing being removed from the calendar.

(f) **Vacation or continuance of hearing.**

A hearing may be vacated or continued for good cause by approval of the court:

- (1) On a judge's own motion;
- (2) Upon submission, prior to hearing, of an agreed order resolving the matter endorsed by the parties or their counsel of record;
- (3) Upon agreement of the parties, set forth in writing and filed no later than the day before the scheduled hearing, and for good cause shown, or, if settled later than the day before the hearing, upon an agreement read into the record at the time of the hearing by counsel for one of the parties; or

- (4) On the request of a party after notice to all opposing parties filed and served at least three (3) days prior to the scheduled hearing, accompanied by an affidavit stating the grounds for such request, unless a judge for cause shown waives the requirements of this rule.

Related Authority:

11 U.S.C. § 102(1), 704, 1112, 1324, 1514,
Fed. R. Bankr. P. 2002, 5008, 9006, 9007, 9008, 9013, 9014, 9036
~~LBR 9004.1, District Court of Idaho General Order No. 35~~

Advisory Committee Notes:

Note that subdivision (b)(1) requires a party to serve notice in certain circumstances where previously the clerk provided notice.

Subdivision (e) reflects current practice and emphasizes the necessity of setting matters through the calendar clerk. Subdivision (e)(3) requires the filing of supporting pleadings. Upon request of a party, a hearing may be heard by video conference. Parties must request and obtain approval for a video conference hearing by calling the calendaring department at (208) 334-9343.

Subdivision (f) is designed to cure problems presently encountered by the court where counsel vacates a hearing without advising the court and/or opposing counsel.

Notes to 2008 revisions. The time permitted for filing an objection under the negative notice procedure is the time period required for notice by the applicable rules relating to the motion or application. If no specific time is otherwise provided in the rules, a minimum of 14 days notice must be given.

Note that the following motions/applications are specifically covered by other local rules:

- Employment of Professionals. [LBR 2014.1]
- Relief from the Automatic Stay. [LBR 4001.2]
- Objections to Exemptions. [LBR 4003.1]
- Motions to Avoid Liens. [LBR 4003.2]
- Confirmation of Chapter 13 Plans. [LBR 2002.3]
- Sale of Property of the Estate. [LBR 2002.1]
- Objection to Claims. [LBR 3007.1]

LOCAL BANKRUPTCY RULE 2004.1 EXAMINATIONS

(a) Motions.

A motion by a party in interest under Fed. R. Bankr. P. 2004(a) for an order requiring the examination of an entity is subject to LBR 2002.2(d).

- (1) Document production. If the party seeking an order for examination seeks also to require the production of documents at such examination under Fed. R. Bankr. P. 2004(c), the proposed production shall be specified in the motion.
- (2) Time and place of examination. The motion shall specify the date, time and place of the proposed examination, unless the party seeking the order expressly indicates in the motion that the same will be established after consultation and in coordination with the entity to be examined.

(b) Orders.

- (1) Upon expiration of time for objection. In the absence of response or objection within fourteen (14) days, an order may be submitted for entry.
- (2) Upon shortened time. For specific cause shown in the motion or in a supporting affidavit, a party in interest may seek entry of an order setting an examination prior to the expiration of fourteen (14) days.
- (3) Upon agreement. An order for an examination of an entity under Fed. R. Bankr. P. 2004 may be entered immediately and without compliance with the requirements of LBR 2002.2(d) if such order is endorsed by the entity to be examined or by the attorney for such entity.

(c) Disputes.

Disputes or disagreements over compliance with the order for examination, the production of documents at the examination, or the conduct of the examination, are subject to LBR 7037.1.

Related Authority:

11 U.S.C. §§ 341, 343
Fed. R. Bankr. P. 2004, 2005, 9016
LBR 2002.2(d)

Advisory Committee Notes:

This rule requires notice to an entity (including a debtor, *see* Fed. R. Bankr. P. 2004(d)), of the details of a proposed examination, and allows an opportunity for objection before an order is entered by the court. Provision is made for requests on shortened notice basis, for cause shown. If parties discuss and consult in advance, and submit an agreed and endorsed order, the court may enter the order immediately. Additionally, once an order is entered, disputes over the compliance with that order or the conduct of the examination are subject to the conference and certification requirements of LBR 7037.1.

LOCAL BANKRUPTCY RULE 2014.1
APPROVAL OF EMPLOYMENT OF PROFESSIONAL PERSONS

(a) Applications for approval of employment of professional persons.

In addition to including the information required by Fed. R. Bankr. P. 2014(a), an application for approval of employment of a professional person shall be signed by the trustee, debtor-in-possession or committee, and shall state the following information:

- (1) The proposed arrangement for compensation. If there is a retainer, the application shall disclose all pre-petition fees and expenses drawn down against the retainer, and any written retainer agreement shall be attached to the application; and
- (2) To the best of the applicant's knowledge, all of the person's connections with the debtor, creditors, or any other party in interest, their respective attorneys and accountants, the U.S. Trustee, or any person employed in the office of the U.S. Trustee.

(b) Service and proof of service.

- (1) Copies of the application for approval of employment, the verified statement, any accompanying documents, and the proposed order approving employment shall be transmitted to the office of the U.S. Trustee in Boise.
- (2) In a non-chapter 11 case, service shall also be made upon the debtor(s), debtor(s)' counsel, the trustee, and trustee's counsel.
- (3) In a chapter 11 case, service shall also be made upon members of any creditors' committee(s) and any attorneys appointed to represent the committee(s). In the event no committee has been appointed, service shall also be made on the 20 largest unsecured creditors. In a chapter 11 case, service shall also be made on the debtor and the attorney for the debtor if the application is made upon behalf of a party other than the debtor.
- (4) Proof of such service shall be filed with the application.

(c) Entry of an order of approval of employment.

If neither the U.S. Trustee nor any other party in interest objects to the application for approval of employment of the professional within ~~fourteen (14) calendar~~ **twenty-one (21)** days of the date of service of the application, the court may enter the order approving the employment of the professional without a hearing. If an objection to the application is timely filed, then the applicant shall schedule a hearing on the application and serve notice of the hearing on the U.S. Trustee and all other parties in interest. Proof of such service shall be filed with the notice of hearing. Any order of approval of employment entered by the court will relate back to the date of service of the application, **which date shall be set forth in the order.**

Related Authority:
11 U.S.C. §§ 327, 328
Fed. R. Bankr. P. 2014, 6003, 9034

Advisory Committee Notes:

~~2007 Advisory Committee Note:~~ Based on the December 1, 2007 amendments to Fed. R. Bankr. P. 6003, orders approving employment of professionals will be entered 14 days after notice provided by this rule or 20 days after the filing of the petition, whichever is later.

Fed. R. Bankr. P. 2014 governs applications for employment of professional persons. This rule sets forth a minimum standard of notice. In many cases, a party may wish to set an actual hearing and/or provide notice to all parties in interest. The rule is not designed to prohibit such an approach.

LOCAL BANKRUPTCY RULE 3007.1
PROCEDURES AND HEARINGS FOR OBJECTIONS TO CLAIMS

(a) Objections to proof of claims.

The party objecting to a proof of claim (objecting party) may set the matter for hearing at the time the objection to the claim is filed or may wait to set the hearing to first determine if a hearing is necessary after receiving the claimant's response.

(b) Responses to objections to proof of claims.

A response to an objection to a claim must be filed and served not later than thirty (30) days after service of the objection. If a response is not timely filed, the court may sustain the objection without a hearing.

(c) Time for setting hearing or withdrawing objection.

Within twenty-one (21) days after being served with the claimant's response, the objecting party shall either: (1) withdraw its objection to the claim, or (2) file and serve a notice of hearing for the objection which provides the proper notice as required by Fed. R. Bankr. P. 3007. If the objecting party has not withdrawn the objection or set a hearing pursuant to the terms set forth herein, the claimant may set a hearing date.

(d) Witness and exhibit lists.

If the parties intend to offer evidence, the parties, not later than five (5) days prior to any scheduled hearing, shall:

- (1) File a list of witnesses;
- (2) File a list of exhibits; and
- (3) Exchange copies of any exhibits.

Related Authority:

11 U.S.C. § 502
Fed. R. Bankr. P. 3007
LBR 2002.2, 9004.1

LOCAL BANKRUPTCY RULE 4001.2
MOTIONS REQUESTING RELIEF FROM
THE AUTOMATIC STAY

(a) **Motions.**

A request by a party in interest for relief from the automatic stay pursuant to §§ 362(d), 1201(c), or 1301(c) shall be made by filing a motion with the court, and paying the applicable fee. There is no fee for a motion for co-debtor relief under §§1201 or 1301.

(b) **Requisite information in motions.**

The motion shall:

- (1) Identify the nature of the stay relief sought;
- (2) Provide the details of the underlying obligation or liability upon which the motion is based;
- (3) Contain an itemization of amounts claimed to be due upon the obligation;
- (4) When appropriate, state the estimated value of any collateral for the obligation and the method used to obtain the valuation;
- (5) Attach accurate and legible copies of all documents evidencing the obligation and the basis of perfection of any lien or security interest;
- (6) Attach copies of recorded documents if any documents are recorded with the secretary of state, county recorder, or other lawfully designated recording agency;
- (7) Include the notice required by subsection (g) and the proof of service required by subsection (h) and;
- (8) Be accompanied by a proposed order for entry by the court in the event of lack of objection, which order shall comply with LBR 9004.1 and subsection (j) of this rule.

(c) **Objections.**

Any party in interest opposing the motion must file and serve an objection thereto not later than seventeen (17) days after the date of service of the motion. The objection shall specifically identify those matters contained in the motion that are at issue and any other basis for opposition to the motion. The objection shall also contain the notice of hearing required by subsection (e)(1) and the proof of service required by subsection (h). Absent the filing of a timely objection, the court may grant the relief sought without a hearing.

(d) **Service.**

- (1) Motions. If relief is sought under § 362(d), the motion shall be served upon the debtor, debtor's attorney, the trustee if one has been appointed, upon any committee or other creditors as required in Fed. R. Bankr. P. 4001(a)(1), and on any other party known to movant claiming an interest in any property subject of the motion.
- (2) Motions for Co-debtor Stay Relief. If relief is sought under §§ 1201(c) or 1301(c), the motion shall be served upon the debtor, debtor's attorney, the trustee, any co-debtor affected thereby, and on any other party known to the movant claiming an interest in any property subject of the motion.
- (3) Objections. If an objection is filed to a motion for stay relief, the objection shall be served upon the movant and upon all parties receiving service of the motion.

(e) **Hearings.**

- (1) Scheduling. A party opposing a motion shall contact the court's calendar clerk to schedule a preliminary hearing. The objection to a motion shall include the notice of such hearing.
 - (A) Upon court approval, the movant may schedule a hearing for cause shown in the motion or other submissions.
- (2) Preliminary Hearing Procedure. At the preliminary hearing, the parties shall be prepared to make specific representations to the court as to the proof and evidence to be submitted at any final hearing. In particular, the parties shall advise the court with specificity as to the issues to be presented at a final hearing, the identity of any witnesses expected to testify, and a summary of the expected testimony.
- (3) Final Hearing. Unless otherwise ordered by the court, the parties, not later than five (5) days prior to any scheduled final hearing, shall:
 - (A) File a list of witnesses ~~expected to testify; and~~
 - (B) **File a list of exhibits; and**
 - (B) Exchange copies of any exhibits ~~to be offered.~~
- (4) Vacation of Hearings. Once scheduled, a preliminary hearing or final hearing may be vacated or continued only upon compliance with LBR 2002.2(f).

(f) **Emergency relief motions.**

This rule does not affect a motion for relief brought under § 362(f) and Fed. R. Bank. P. 4001(a)(2).

(g) **Required notice.**

In any motion filed under this rule, the movant shall include a notice of the requirements of subdivision (c), (d)(3), and (e)(1), of this rule. In addition, if relief is sought from the automatic stay against acts against property of the estate under § 362(d) and (e), the notice shall also advise the party against whom relief is sought of the requirements of § 362(e).

(h) **Proof of service.**

Any motion, objection or other pleading filed under this rule shall include an appropriate proof of service.

(i) **Sanctions.**

The court may impose appropriate sanctions against any party and/or counsel who fails to prosecute or defend the motion in good faith, contrary to the representations made in its pleadings or preliminary hearing, or violates the requirements of this rule.

(j) **Standard form order.**

The moving party shall use the standard approved order for this district with such alterations as may be appropriate in a particular case. If the moving party provides additions, deletions, or other modifications, the moving party shall clearly identify the deviation.

Related Authority:

11 U.S.C. § 362
Fed. R. Bankr. P. 4001, 9006, 9013, 9014
LBR 2002.2 9004.1

Advisory Committee Notes:

This rule specifically requires certain information to be included in a motion for relief from stay. A response must fairly meet the grounds of the motion. Both of these requirements are enhanced by the requirement of specificity in representation at the preliminary hearing. The Advisory Committee considered and rejected requiring affidavits in regard to factual issues presented. (*See, e.g.,* Fed. R. Bankr. P. 7056). However, even though the current practice of allowing representation of counsel is continued, in order to achieve the goal of productive preliminary hearings, factual detail in such representation is mandated. Failure of counsel to adhere to this standard may lead to sanction under the rule. *See* Fed. R. Bankr. P. 9011 (Fed. R. Civ. P. 11).

Notes to 2004 revisions. Under the revised rule, unless cause is shown and prior court permission is obtained, the moving party may not schedule a stay relief motion for hearing at the time of filing such a motion. Instead, a party opposing a motion must file a detailed objection, obtain a hearing date from the calendar clerk, and provide notice of both objection and hearing at the time of filing the objection. An objection without a properly noticed and timely conducted hearing will be ineffective to prevent automatic relief under § 362(e)

Notes to 2005 revisions. Due to the implementation of electronic filing of motions (ECF) as of January 1, 2005, the proposed order required by subdivision (b)(8) of this rule must be submitted in accordance with the court's ECF Procedures. *See* generally LBR 5003.1.

Notes to 2008 revisions. The Standard Form Order can be located at www.id.uscourts.gov.

LOCAL BANKRUPTCY RULE 6006.1
ASSUMPTION, REJECTION OR ASSIGNMENT OF AN EXECUTORY
CONTRACT OR UNEXPIRED LEASE

(a) **Motions.**

A motion to assume, reject, or assign an executory contract or unexpired lease, other than as part of a plan, shall be served and heard in compliance with the provisions of Fed. R. Bankr. P. 9014, 6006 and this rule, unless otherwise ordered by the court.

(b) **Notice.**

- (1) Motion to reject. A motion to reject an executory contract or unexpired lease shall be served on the parties to the contract or lease and, except in a chapter 9 municipality case, the U.S. Trustee. In a chapter 11 case, the motion shall also be served on the members of any creditors' committee or, if no creditors' committee has been appointed, on the twenty (20) largest unsecured creditors.
- (2) Motion to assume or assign. A motion to assume or assign an executory contract or unexpired lease shall be served on all creditors and interested parties and, except in a chapter 9 municipality case, on the U.S. Trustee.

Related Authority:

11 U.S.C. § 365
Fed. R. Bankr. P. 6006(a), 6006(c), 9014
LBR 2002.2

LOCAL BANKRUPTCY RULE 6007.1
MOTIONS FOR ABANDONMENT

A motion by a party in interest under 11 U.S.C. § 554(b) for an order requiring a trustee to abandon property of the estate shall be noticed to creditors and parties in interest in accord with the requirements of Fed. R. Bankr. P. 6007(a).

Related Authority:

11 U.S.C. § 554
Fed. R. Bankr. P. 6007(a), (b)

Advisory Committee Notes:

This rule makes Fed. R. Bankr. P. 6007(a) applicable to motions brought under 11 U.S.C. § 554(b) and Fed. R. Bankr. P. 6007(b).

LOCAL BANKRUPTCY RULE 7056.1
MOTIONS FOR SUMMARY JUDGMENT AND PROCEEDINGS THEREON

(a) **Motions.**

A request by a party for summary judgment pursuant to Fed. R. Bankr. P. 7056 shall be made by motion filed, served and heard in compliance with the provisions of this rule, absent an order of the Court providing otherwise.

(b) **Submissions and hearings.**

- (1) The motion, **supporting** affidavits, **a statement of undisputed facts, a notice of hearing,** and **a** supporting brief shall be filed ~~and served~~ at least twenty-eight (28) days before the time fixed for the hearing.
 - (A) The moving party shall provide **simultaneously with its motion,** ~~at the same time, either in its brief or in a~~ **document** separate ~~from all others, pleading,~~ a statement of asserted undisputed facts. The statement shall **not be a narrative but shall set forth each fact in a separate** ~~consist of short, numbered paragraphs, including f~~ **For each fact, the moving party shall provide a specific reference citation (including page, paragraph, and/or line number as appropriate) to the** ~~an~~ **affidavits, parts of the record, deposition, or other materials relied upon to the support the facts set forth** **portion of the record establishing such fact.** Failure to submit such a statement **in compliance with this rule** constitutes grounds for denial of the motion without hearing.
- (2) If the ~~adverse~~ **opposing** party desires to ~~serve file~~ **opposing** affidavits **or other materials,** that party shall do so at least fourteen (14) days before the date of the hearing. The ~~adverse~~ **opposing** party shall also ~~serve file~~ a responsive brief, **and a statement of disputed and undisputed facts,** at least fourteen (14) days prior to the hearing.
 - (A) The opposing party's **statement of disputed and undisputed facts shall must** ~~also respond, at the same time, to~~ **each of** the moving party's ~~statement of~~ asserted undisputed facts; **The opposing party shall specifically responding to each paragraph of such statement identify whether such fact is disputed or undisputed.** If disputed, the opposing party shall provide a specific citation (including page, paragraph, and/or line number as appropriate) to an affidavit, deposition, or other portion of the record establishing the basis of dispute.
- (3) The moving party may thereafter ~~serve file~~ a reply brief not less than seven (7) days prior to the hearing.
- (4) **If an opposing party files a cross-motion for summary judgment, it must comply with the provisions of (b)(1) of this rule.**

(5) All pleadings and documents filed under this rule shall be served on all other parties simultaneously with their filing.

(46) Other than as provided herein, absent an order of the court to the contrary for good cause shown, no other pleadings or documents shall be filed on a summary judgment motion.

(c) **Oppositions based on unavailability of affidavits.**

If a party responding to a motion for summary judgment intends on opposing such motion through an affidavit pursuant to Fed. R. Civ. P. 56(f), incorporated by Fed. R. Bankr. P. 7056, such affidavit and a supporting brief must be filed within the time set forth in subdivision (b)(2) of this rule.

(d) **Noncompliance or affidavits made in bad faith.**

If a party fails to comply with the requirements of this rule or with applicable orders entered by the court related to motions or proceedings on summary judgment, or should it appear that affidavits are presented in bad faith or for purposes of delay, the court may continue the hearing and, with or without further hearing, may impose costs, attorney's fees and sanctions against a party, the party's attorney, or both.

Related Authority:

Fed. R. Bankr. P. 7056

Fed. R. Civ. P. 56

Advisory Committee Notes:

If **depositions or** discovery responses are to be used in summary judgment proceedings, and if an order has not previously been entered allowing the filing of such discovery, *see* LBR 7005.1, the pertinent portions of **such depositions or** discovery responses (*i.e., the portions specifically cited to by the moving party in its statement of asserted undisputed facts, or by the opposing party in its statement of disputed and undisputed facts*) should be attached to appropriate affidavits ~~or a motion~~ under LBR 7005.1 should be filed.

LOCAL BANKRUPTCY RULE 9004.1 FORM OF ORDERS

(a) **Separate documents.**

All orders must be submitted on a document separate from any attendant motion or stipulation.

(b) **Requisite information.**

All orders submitted must identify with specificity the application, motion, or other pleading to which it corresponds, and the court hearing, if any, from which it resulted. The order must also specifically identify the property or interest with which it deals.

(c) **Format**

All orders shall contain the proper case caption. There shall be no attorney information (name, firm, address, etc.) above the caption. After the text of the order, the end of the text shall be indicated with the phrase // end of text //. Below the end of text designation, the submitting attorney shall indicate the name of the attorney(s) submitting the order and who they represent (e.g. order submitted by John Smith, Attorney for Debtor Jane Doe), and any endorsements of the order by other parties.

(d) **Submission of proposed orders.**

Proposed orders are to be submitted by e-mail in a format compatible with WordPerfect, unless expressly directed by the court to be submitted in a different format. A certificate of service is not required when submitting a proposed order.

1. When e-mailing the proposed order in the correct format to the court, all proposed orders must list in the e-mail subject line, the following items: (1) the case number; (2) judge's initials; (3) the docket number of the motion filed electronically, which is the subject of the proposed order; and (4) a description. (Example: 05-1234_TLM_10_Order_Dismissing.wpd)
2. Proposed orders shall be sent to the appropriate e-mail address shown in the ECF Procedures.~~[hyperlink] from the following list:~~
OrdersSouth@id.uscourts.gov
OrdersNorth@id.uscourts.gov
OrdersEast@id.uscourts.gov

Advisory Committee Notes:

Orders must identify the related application, motion or other pleading. This should be done by reference to the title, date and/or docket number of such pleading.

Attorneys should refer to the current ECF Procedures available on the court's website for further information about the submission of proposed orders.

LOCAL BANKRUPTCY RULE 9037.1
PRIVACY PROTECTION FOR FILINGS
MADE WITH THE COURT

- (a) It is the sole responsibility of counsel and the parties to be sure that the redaction of personal identifiers pursuant to Fed. R. Bankr. P. 9037 is completed. The clerk will not review filings for redaction.
- (b) A party wishing to file a document containing the personal data identifiers listed in Fed. R. Bankr. P. 9037 may file an unredacted document under seal only if the party believes maintenance of the unredacted material in the court record is critical to the case. The document must contain the following heading in the document, "SEALED DOCUMENT PURSUANT TO FED. R. BANKR. P. 9037". This document shall be retained by the court as part of the record until further order of the court. The party must also electronically file a redacted copy of this document for the official record.

Related Authority:

Dist. Idaho General Order 179, 183
Fed. R. Bankr. P. 9037

Advisory Committee Notes:

The Judicial Conference policy on redaction of personal identifiers listed in Fed. R. Bankr. P. 9037, also requires Counsel to redact information contained in transcripts filed with the Court. Counsel should follow the transcript redaction procedures outlined on the Court's web site.
<http://www.id.uscourts.gov/CourtReporter/Transcripts.pdf>.

In addition to the privacy items listed in Fed. R. Bankr. P. 9037, the Judicial Conference policy requires that the court not provide public access to the following documents: juvenile records; ex parte requests for expert or investigative services at court expense; and sealed documents.

Counsel should exercise caution when filing documents that contain the following:

- (1) Personal identification number, such as driver's license number;
- (2) Medical records, treatment and diagnosis;
- (3) Employment history;
- (4) Individual financial information;
- (5) Proprietary or trade secret information;
- (6) Information regarding an individual's cooperation with the government;

- (7) Information regarding the victim of any criminal activity;
- (8) National security information;
- (9) Sensitive security information as described in 49 U.S.C. § 114(s).

Counsel is strongly urged to share this information with all clients so that an informed decision about the inclusion of certain materials may be made.

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re:

Case No.

Debtor(s)

CHAPTER 13 PLAN AND RELATED MOTIONS

This plan is proposed by the debtor. It contains provisions that may significantly affect your rights. It contains matters, which if not objected to, may be accepted by the court as true. Creditors cannot vote on this plan. A creditor who wishes to oppose the plan and related motions may do so by timely filing a written objection. Any objection must be in writing, and must be filed with the court and served upon the debtor, debtor's attorney, and the Chapter 13 trustee as follows (check one):

- ☐ ~~The~~ **This** Chapter 13 Plan was filed with the petition. Any objection must be filed and served by the time set for the **11 U.S.C.** sec. 341(a) meeting, within five (5) days thereafter, or as otherwise allowed by law. Absent any such objection, the court may confirm this plan, accept the valuations and allegations herein, and grant the motions without further notice or hearing.
- ☐ ~~The~~ **This** Chapter 13 Plan was not filed with the petition. Any objection must be filed and served no later than five (5) days prior to the time set for the confirmation hearing, or otherwise allowed by law.

If a creditor files a timely written objection, that creditor must also appear at the hearing on confirmation of the plan to assert the objection or the objection may be denied without further notice or hearing. The provisions of the confirmed plan will bind the debtor and each creditor.

NOTICE: The undersigned certifies that regardless of any variant formatting: (Check One)

- ☐ This Chapter 13 Plan and Related Motions contains all the standard language as approved by the U.S. Bankruptcy Court, District of Idaho. Except fill-in-the-blank sections, designated check boxes, or claim treatment within any table, there are no modifications to the court-approved language.
- ☐ This Chapter 13 Plan and Related Motions contains language that is different from the standard plan as approved by the U.S. Bankruptcy Court, District of Idaho. An asterisk immediately preceding the section number designates a modified plan section. No asterisk is provided for any fill-in-the-blank sections, designated check boxes, or claim treatment within any table.

DISCHARGE: (Check One)

- ☐ The debtor is not eligible for a discharge of debts because the debtor has previously received a discharge described in 11 U.S.C. sec. 1328(f).
- ☐ The debtor will seek a discharge of debts pursuant to 11 U.S.C. sec. 1328(a).

1. **PAYMENTS TO TRUSTEE.**

Such portion of the projected future earnings and income of the debtor as is necessary for the execution of the plan is submitted to the supervision and control of the Chapter 13 trustee for the duration of this plan, to wit:

- 1.1 **PERIODIC PLAN PAYMENTS.** In addition to the payments provided under Sections 4.1, 6.1, 6.3, 6.4, and 8, debtor will pay to the trustee for a term, not exceeding _____ months the sum of \$_____ monthly. The debtor shall commence making payments proposed by the plan to the trustee no later than thirty (30) days after the date the bankruptcy petition is filed.
- 1.2 **INCOME TAX REFUNDS.** (Check One)
 - ☐ Debtor projects no income tax refunds during the term of this plan. As a result, no income tax refunds will be turned over to the trustee; OR
 - ☐ Debtor projects income tax refunds during the term of this plan. During the applicable commitment period of the plan, as defined in 11 U.S.C. sec. 1325(b)(4), the debtor will turn over to the trustee all net income tax refunds. At any time during the term of the plan, debtor shall be entitled to use a tax refund to pay taxes due any other taxing authority; however, the debtor shall remit any net income tax refund balance to the trustee. Upon the trustee's stipulation with the debtor and an order of the court, the debtor may retain, in whole or in part, certain net income tax refunds during the term of the plan to facilitate the terms of this plan or to meet other reasonable and necessary needs of the debtor.
- 1.3 **EARLY PAYOFF.** Debtor may not pay **off** this plan in less than the applicable commitment period without notice to interested parties and an opportunity for hearing before the court.
- 1.4 **WAGE DEDUCTION ORDER.** Debtor acknowledges that if the debtor is ever more than thirty (30) days delinquent on any payment due under Section 1.1 of this plan, upon request of the trustee, a wage deduction order to debtor's employer may immediately be issued.
- 1.5. **DEFERRAL OF PAYMENTS FOR CAUSE.** The trustee, for cause, may defer not more than two monthly payments per calendar year without further notice to parties or hearing before the court.

2. **POST-CONFIRMATION RECOVERY OF PROPERTY.**

Debtor elects as follows: (Check One)

- ☐ The trustee shall retain the right, post confirmation, to recover moneys, to recover property and to avoid liens pursuant to 11 U.S.C. sec. 541, et seq. Any such recovery or avoidance shall, when liquidated, be disbursed to creditors as additional disposable income, in accordance with 11 U.S.C. sec. 1325 (b); OR
- ☐ The debtor has calculated the right to recover moneys, to recover property and to avoid liens pursuant to 11 U.S.C. sec. 541, et seq in the plan payment. As a result, the trustee shall not retain such further rights post confirmation.

3. **PROVISIONS FOR ADMINISTRATIVE AND PRIORITY CLAIMS.**

From the payments received, the trustee shall make disbursements of allowed claims entitled to administrative and priority status under 11 U.S.C. sections 503 and 507 respectively, in deferred cash payments as follows. ~~Payment of certain assigned Domestic Support Order claims (11 U.S.C. sec. 507(a)(1)(B)) may be less than 100% as provided by 11 U.S.C. sec. 1322 (a)(4).~~

3.1 **Domestic Support Obligations** (check all applicable boxes)

- ☐ **3.1.1** No Domestic Support Obligations are owed. ~~Skip to Section 3.2~~
- ☐ **3.1.2** The debtor(s) is current on domestic support obligation(s) and will continue to make post-petition payments pursuant to the support order.
- ☐ **3.1.3** Allowed unsecured claims for Domestic Support Obligations allowed under 11 U.S.C. sec. 507(a)(1)(A) in equal monthly installments over the term of the plan.
- ☐ **3.1.4** Allowed unsecured claims for Domestic Support Obligations allowed under 11 U.S.C. sec. 507(a)(1)(B) in equal monthly installments over the term of the plan. Total of payments if less than 100%: \$_____

3.2 **Trustee.** Fees to the trustee as provided by 28 U.S.C. sec. 586.

~~3.3 **Attorney.** Fees and costs to the debtor's attorney in the total amount of \$_____ in equal monthly installments over the initial _____ months.~~

3.3 Attorney. (check one)

- ☐ Debtor's attorney has elected to charge a fixed fee pursuant to the Model Retention Agreement, Local Rule 2016.1, of \$_____ (not to exceed \$2,500), exclusive of costs. Said attorney has received \$_____ prior to the filing hereof and is to be paid the remaining amount in monthly payments over the initial ____ months of distribution.

- ☐ Fees and costs to the debtor's attorney in an amount to be proven and allowed by the court but not to exceed \$ _____, payable in equal monthly installments over the initial ____ months of distribution. This is in addition to the fee retainer paid pre-petition (\$ _____) and any sums allowed in any previous orders(s).

3.4 **Taxes.** Unless the holder of the claim agrees otherwise, upon confirmation of the plan and the filing of an allowed claim, any allowed unsecured priority claims of governmental units shall be paid: **(Check One)**

- ☐ During the initial _____ months of the plan; OR
- ☐ In equal monthly installments over the term of the plan.

4. **PROVISIONS FOR CREDITORS HOLDING CERTAIN PURCHASE MONEY SECURED CLAIMS.**

The claim of each of the following secured creditors who have a purchase money interest securing a debt either 1) in a motor vehicle acquired for the debtor's personal use within 910 days prior to the filing of the bankruptcy petition; or 2) in any other thing of value that was incurred during one year prior to the date the bankruptcy petition was filed shall be paid as follows:

- 4.1 **Certain Purchase Money Secured Claims Not in Default.** To those creditors who have Certain PMSI Claims whose rights are not being modified, the allowed secured claim of each shall be paid directly by debtor according to the terms of the outstanding agreements with each creditor as follows:

CREDITOR	COLLATERAL DESCRIPTION	DATE OF CONTRACT	AMOUNT OF CLAIM	MONTHLY PAYMENT

- 4.2 **Modification of Rights (Other than Value) of Holders of Certain Purchase Money Secured Claims.** To each of the following named creditors holding Certain PMSI Claims, the allowed secured claim of each shall be paid as follows:

The allowed secured claim shall be amortized at the rate of interest (simple interest, direct reducing) in equal monthly installments over the term of the plan.

Secured creditors' rights and claims will be modified in accordance with the terms provided herein and payments will be made to the creditor by the trustee.

The debtor hereby MOVES the court for an order so fixing the treatment and/or the amount of the secured claim as follows:

CREDITOR	COLLATERAL DESCRIPTION	CONTRACT DATE	AMOUNT OF CLAIM	MODIFIED PROVISION(S) OF THE CONTRACT	PROJECTED MONTHLY PAYMENT	PROJECTED TOTAL PAYMENTS

If a secured creditor objects to this provision, debtor will ask the court, at the hearing on confirmation, to confirm the plan over the creditor's objection.

- 4.3 **Surrender of Collateral Subject to Certain Purchase Money Secured Claims**
The debtor shall surrender debtor's interest in the collateral securing the PMSI claims of the following creditors. Unless the automatic stay has already been terminated by court order or applicable law, upon the entry of the order confirming this plan, the automatic stay imposed by 11 U.S.C. sec. 362(a) as against the creditors and collateral set forth below, shall be terminated pursuant to 11 U.S.C. sec. 362(d).

CREDITOR	COLLATERAL TO BE SURRENDERED

5. **MODIFICATION OF RIGHTS OF HOLDERS OF OTHER SECURED CLAIMS. (INCLUDING PREPETITION SECURED TAX CLAIMS)**

To each of the following named creditors, the full value of the allowed secured claim held shall be paid by the trustee.

- 5.1 **Modification of Rights** Each creditor holding an allowed secured claim shall retain its lien on the collateral securing that claim until the earlier of 1) the payment of the underlying debt determined under nonbankruptcy law; or 2) discharge under 11 U.S.C. sec. 1328. If the case is dismissed or converted without completion of the plan, such lien shall be retained by the secured creditor to the extent recognized by applicable non bankruptcy law.

The allowed secured claim shall be amortized at the rate of interest (simple interest, direct reducing), in equal monthly installments over the term of the plan.

Any portion of the debt owed to a creditor in excess of the allowed secured claim will be treated in this plan as an unsecured claim. Subject to the terms of the order of confirmation of the plan, unless otherwise ordered by the court, payments shall commence from the trustee upon filing of an allowable claim.

The projected total payments constitute the debtor's best estimate of the total of all payments made to the secured creditor on the secured portion of such creditor's claims. At the discretion of the trustee, allowed secured claims of \$500 or less may have payment accelerated.

Secured creditors' rights and claims will be modified in accordance with the terms provided for herein by debtor. Except as provided by 11 U.S.C. sec. 1325(a)(5)(B)(i)(II), an order setting the secured portion of a claim, at less than the total amount of the entire claim, voids the creditor's lien to the extent of the unsecured portion of the claim.

The debtor hereby MOVES the court for an order so fixing the amount of the allowed secured claim as follows:

CREDITOR	COLLATERAL DESCRIPTION	ALLOWED SECURED CLAIM	RATE OF INTEREST	PROJECTED MONTHLY PAYMENT	PROJECTED TOTAL PAYMENTS

If a secured creditor objects to this provision, debtor will ask the court, at the hearing on confirmation, to confirm the plan over the creditor's objection, pursuant to 11 U.S.C. sec. 1325(a)(5)(B).

- 5.2 **Curing of Default of Long Term Secured Claims.** To each of the below-named creditors, the debtor does not propose to pay, in full, their allowed secured claim during the term of this plan. Each creditor shall retain its lien on the collateral securing the claim until the allowed secured claim is paid in full.

The debtor will continue the regular monthly contract payments directly to the creditor pursuant to the contract terms. Each post-petition payment shall be paid by debtor as it comes due. The initial post-petition payment shall commence on the first full month following the filing of this bankruptcy by debtor.

The default payments under this plan, shall be applied by creditor to the earliest payment for which a portion of the payment is due. Default payments shall commence upon filing of an allowable claim and subject to the terms of the order of confirmation of the plan. Unless otherwise provided, the frequency of payments shall be in equal monthly amounts, during the term of the plan. The total in default provided hereinafter represents the debtor's assertion of the amount of the default as of the day the bankruptcy was filed. In the event that the creditor's allowed claim provides otherwise, the allowed claim shall control. Each creditor shall further be entitled to receive interest on their claim, as allowed by law. Such interest rate shall be the non-default contract rate of interest provided in the contract between each creditor and debtor.

CREDITOR	COLLATERAL DESCRIPTION	TOTAL IN DEFAULT	DEFAULT PAYMENT	RATE OF INTEREST

6. **DISBURSEMENTS DIRECTLY BY DEBTOR.**

Debtor shall make the following disbursements directly to creditors and shall treat the following claims and obligations as indicated:

- 6.1 **Secured Claims Not in Default.** To secured creditors, whose rights are not being modified, that are not those Certain Purchase Money Secured Creditors set forth in Section 4 above, the secured claim of each shall be paid directly by debtor according to the terms of the outstanding agreements with each creditor. The debtor will pay these creditors directly as follows:

CREDITOR	COLLATERAL DESCRIPTION	ESTIMATED BALANCE OWING	AMOUNT OF PAYMENT MADE DIRECTLY BY DEBTOR

- 6.2 **Surrender of Collateral by Debtor.** The debtor shall surrender debtor's interest in the collateral securing the claims of the following creditor. Unless the automatic stay has already been terminated by court order or applicable law, upon the entry of the order confirming this plan, the automatic stay imposed by 11 U.S.C. sec. 362(a) as against the creditors and collateral set forth below, shall be terminated pursuant to 11 U.S.C. sec. 362(d).

CREDITOR	COLLATERAL TO BE SURRENDERED

- 6.3 **Payments to Lessors of Personal Property.** No later than thirty (30) days after the date the bankruptcy petition is filed, the debtor shall commence making payments scheduled in a lease of personal property directly to the lessor for that portion of the obligation that comes due after the filing of the bankruptcy petition. The debtor shall provide the trustee evidence of such payment, including the amount and date of payment.

LESSOR	PERSONAL PROPERTY DESCRIPTION	LEASE PAYMENT

- 6.4 **Pre-Confirmation Payments to Purchase Money Secured Creditors of Personal Property.** No later than thirty (30) days after the date the bankruptcy petition is filed, the debtor shall commence making payments on allowed claims of purchase money secured creditors of personal property in an amount sufficient to provide adequate protection, directly to the creditor until confirmation. The payments made under this subsection shall reduce the amount owed under the plan. The debtor shall provide the trustee evidence of such payment, including the amount and date of payment.

CREDITOR	COLLATERAL DESCRIPTION	ADEQUATE PROTECTION PAYMENT

- 6.5 **Post Petition Tax Obligations** (check all that apply)
- ☐ Real property taxes are being paid through escrow by debtor's mortgage holder.
- ☐ Real property taxes are being paid by the debtor.
- ☐ Personal property taxes are being paid by debtor

- 6.6 **Post Petition Domestic Support Obligations.** Debtor will continue to make Domestic Support Obligation payments pursuant to the support order as indicated in Section 3.1.2 of the plan.

7. **PROVISIONS FOR UNSECURED CLAIMS.**

- 7.1 **Classification of Unsecured Claims.** Unless otherwise provided, the following unsecured claims will receive from the trustee the indicated dollar amounts, in equal monthly installments during the term hereof, on their allowed claim. Payments shall commence upon confirmation of this plan and filing of an allowed claim.

CREDITOR	AMOUNT TO BE PAID
CLASS "A" Co-signed claims owing to:	To be paid in full. (Debtor estimates this claim to be \$ _____.)
CLASS "B" - Other claims owing to:	

- 7.2 **General Unsecured Claims.** Upon confirmation, and at times consistent with the other provisions of this plan, the trustee will, from funds available after payment of priority and secured claims, pay pro-rata dividends to all creditors who have filed timely allowed unsecured claims.

8. **ASSUMPTION OR REJECTION OF UNEXPIRED LEASES AND/OR EXECUTORY CONTRACTS.**

The debtor hereby MOVES for the approval of the assumption or rejection (as applicable) of the following unexpired leases and/or executory contracts in accordance with 11 U.S.C. sec. 365. For those lease(s) and/or contract(s) assumed below, the debtor asserts the total in default is as indicated and that the default shall be cured as set forth below, pursuant to 11 U.S.C. sec. 365(b).

Payments on any assumed lease(s) and/or contract(s) due after the filing of the bankruptcy petition shall be made directly by the debtor as set forth below, and not through the trustee. Payments curing defaults on any such assumed lease(s) and/or contract(s) shall be paid through the trustee. In regard to any lease(s) and/or contract(s) rejected by the debtor, unless the automatic stay has already been terminated by court order or applicable law, upon the entry of the order confirming this plan, the automatic stay shall be terminated as against the lease(s) and/or contract(s) rejected and the creditors and property involved.

CREDITOR	COLLATERAL DESCRIPTION	REJECT OR ASSUME	TOTAL IN DEFAULT	DEFAULT PAYMENT PAID BY TRUSTEE	PAYMENT MADE DIRECTLY BY DEBTOR

9. **LIEN AVOIDANCE** (Check One)

~~The debtor hereby MOVES, pursuant to 11 U.S.C. sec. 522(f)(1)(A) or (B), Fed. R. Bankr. P. 4003(d), and LBR 4003.2, to avoid the liens of the following creditors. Absent a timely written objection from the creditor, the order of confirmation will avoid its lien, and its claim will be treated under Section 7.2 of this plan.~~

- ☐ No motion to avoid judicial liens under 11 U.S.C. sec. 522(f)(1)(A), or to avoid non-possessory, non-purchase money security interests under 11 U.S.C. sec. 522(f)(1)(B), is proposed in this plan. Any such motion(s) will be filed separately.
- ☐ A motion to avoid judicial liens under 11 U.S.C. sec. 522(f)(1)(A), or to or to avoid non-possessory, non-purchase money security interests under 11 U.S.C. sec. 522(f)(1)(B), is made herein and the allegations and details as required by the Code and Rules are asserted below.

10. **VESTING OF PROPERTY OF THE ESTATE:**

Subject only to the liens provided for in this plan and upon confirmation of this plan, all property of the estate: (Check One)

- ☐ Shall vest in the debtor; OR
☐ Shall not vest in the debtor.

DATED this _____ day of _____ 2009__

~~Debtor~~ DEBTOR

~~Debtor~~ DEBTOR

~~Attorney for the Debtor(s)~~
~~ATTORNEY FOR THE DEBTOR(S)~~

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In re

Case Number: _____

_____,
Debtor(s).

Chapter: _____

DEBTOR'S STATEMENT OF DOMESTIC SUPPORT OBLIGATION(S)

If filing jointly, information for joint debtor must be filled out on a separate form.

Debtor's name (enter full name): _____

Does Debtor have a domestic support obligation: ____ yes ____ no. If yes, please fill out the rest of this form. If no, do not fill out the rest, but sign where indicated below.

Debtor's employer's name, address, and phone number: _____

_____.

Name, address and phone number for the holder of the claim of support:

_____.

AS OF THE DATE OF FILING THE BANKRUPTCY PETITION:

Amount of support obligation: \$ _____ per _____ (i.e. month, week, etc.)

Term of support obligation: from _____ until _____.

Amount that the domestic support obligation is in arrears: \$ _____.

Court name and jurisdiction in which order of support was issued:

_____.

Court Case No. _____.

Name, address and phone number of the State child support enforcement agency involved in such claim:

_____.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Debtor

Date

Penalty for making a false statement: Fine up to \$250,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In re

Case Number: _____

_____,
Debtor(s).

Chapter: _____

JOINT DEBTOR'S STATEMENT OF DOMESTIC SUPPORT OBLIGATION(S)

If filing jointly, information for joint debtor must be filled out on this form.

Joint Debtor's name (enter full name): _____

Does Joint Debtor have a domestic support obligation: ____ yes ____ no. If yes, please fill out the rest of this form. If no, do not fill out the rest, but sign where indicated below.

Joint Debtor's employer's name, address and phone number: _____
_____.

Name, address and phone number for the holder of the claim of support:

_____.

AS OF THE DATE OF FILING THE BANKRUPTCY PETITION:

Amount of support obligation: \$_____ per _____ (i.e. month, week, etc.)

Term of support obligation: from _____ until _____.

Amount that the domestic support obligation is in arrears: \$_____.

Court name and jurisdiction in which order of support was issued:

_____.

Court Case No. _____.

Name, address and phone number of the State child support enforcement agency involved in such claim:

_____.

I declare under penalty of perjury that the foregoing is true and correct.

Signature of Joint Debtor

Date

Penalty for making a false statement: Fine up to \$250,000 or imprisonment for up to 5 years or both. 18 U.S.C. §§ 152 and 3571

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re:)	
)	Case No. []
[NAME OF DEBTOR(S)],)	
)	Chapter []
)	
Debtor(s).)	
)	
)	

ORDER APPROVING STIPULATION FOR RELIEF FROM THE AUTOMATIC STAY
AND GRANTING RELIEF FROM THE AUTOMATIC STAY

Upon consideration of the record before this Court and [MOVANT’S] (“Movant”) Stipulation for Relief From the Automatic Stay filed by Movant, Docket No._____, executed by the counsel for Debtor(s) and the Trustee, as to the termination of the automatic stay pursuant to 11 U.S.C. § 362, as to the Debtor(s), Estate and the subject property described as:

[DESCRIPTION OF PROPERTY: if property is personal property, include the VIN, make, model, serial number, and year, as applicable. If property is real estate, include the legal description and commonly known address]

(“Property”), the Court being informed and good cause existing;

IT IS HEREBY ORDERED:

The Stipulation is approved and relief from automatic stay is granted to Movant as to the Debtor(s), Estate, and the Property.

[IN ACCORDANCE WITH LOCAL BANKRUPTCY RULE 4001.2 ANY TERMS THAT VARY FROM THIS FORM RELIEF ORDER MUST BE IDENTIFIED WITH AN *].

//end of text//

Submitted by:

/s/
[MOVANT'S ATTORNEY],
Attorneys for [MOVANT],

Approved by:

/s/
[TRUSTEE]

/s/
[ATTORNEY FOR DEBTOR(S)],
Attorneys for [DEBTOR(S)]

UNITED STATES BANKRUPTCY COURT
DISTRICT OF IDAHO

In Re:)	
)	Case No. []
[NAME OF DEBTOR(S)],)	
)	Chapter []
)	
)	
Debtor(s).)	
)	
)	

ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY

Upon consideration of the record before this Court and the Motion for Relief from the Automatic Stay filed by [MOVANT] (“Movant”), Docket No. _____ (“Motion”), with notice of the Motion having been given in accordance with the applicable Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules, and no objections having been raised, and good cause existing:

IT IS HEREBY ORDERED:

The Automatic Stay imposed by 11 U.S.C. § 362(a) is hereby terminated as to Movant and to the subject property described as:

[DESCRIPTION OF PROPERTY: if property is personal property, include the VIN, make, model, serial number, and year, as applicable. If property is real estate, include the legal description and commonly known address].

[IN ACCORDANCE WITH LOCAL BANKRUPTCY RULE 4001.2 ANY TERMS THAT VARY FROM THIS FORM RELIEF ORDER MUST BE IDENTIFIED WITH AN *].

Submitted by:

_____/s/
[MOVANT'S ATTORNEY],
Attorneys for [MOVANT]

[Name of Attorney or Moving Party]
[Email Address]
[Mailing Address]
[Phone Number]
[Facsimile Number]
[Party Represented or *Pro Se*]

United States Bankruptcy Court District of Idaho

In re:)
) Case No. [Bankruptcy Case Number]
[Name of Debtors])
) Chapter [Chapter Number]
Debtor,)

Notice of Hearing

To All Parties in Interest:

Please take notice that the [Name of Moving Party] has scheduled a hearing on the [Name of Motion or Application], before the United States Bankruptcy Court, [Address of Courthouse] on the ___ day of _____, 200_, at the hour of _____ or as soon thereafter as parties may be heard.

Your rights may be affected. You should read the motion carefully and discuss it with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in the motion or if you want the court to consider your views on the motion, then you or your attorney may:

File a response with the bankruptcy court, and at the same time, serve a copy of that response on [Name of Moving Party]. You can attend the scheduled hearing and present your views or support your filed response at that time.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated:

[Name of Moving Party]

Instructions for completing certificate of service for parties not represented by an attorney or not registered under the electronic case filing system - The certificate of service provides a certification that a document filed with the Court has been served as required by the Federal Rules of Bankruptcy Procedure [hot link] or the Local Bankruptcy Rules [hot link]. This certificate of service should be attached at the end of any document filed with the Bankruptcy Court and should identify, by name and mailing address, each party served. *Please do not include these instructions with your filed certificate.*

Certificate of Service

I Hereby Certify that on [Date of Mailing], a copy of the [Name of Motion or Notice], which was filed in this matter, was mailed, with first class postage prepaid, to all parties listed below or on the attached mailing matrix:

[Signature of Serving Party]
[Printed Name of Serving Party]